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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,397	02/11/2002	Alexander Aschir	112740-518	3844

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,397

Applicant(s)

ASCHIR ET AL.

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmela et al. (US-6,516,193).

Regarding claim 9, Salmela et al. disclose in figure 1, a method for monitoring a position of a mobile communication terminal for location dependent telecommunication services and an active voice connection (col. 12, lines 50-67), the method comprising the steps of:

obtaining, via a service control center in the mobile radio network, a first information item relating to the position of the mobile communication terminal within the mobile radio network from the mobile communication terminal when a connection for a call is set up (fig. 1 and col. 12, lines 50-54);

using the first position information item by selected location dependent telecommunication services (col. 12, lines 51-57);

checking again the position of the mobile communication terminal during the call (col. 12, lines 54-63);

using, by the service control center, a change of position established during the call which has been set up to obtain a second position information item from the mobile communication terminal (col. 12, lines 63-67); and

using the second position information item by the telecommunication services (col. 13, lines 1-9).

Regarding claim 10, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the steps of making billing for a telecommunication service dependent on the position information item for the mobile communication terminal to be billed (col. 10, lines 8-17); and

adjusting the billing for the telecommunication service if a change in the position of the terminal is established (col. 12, lines 18-44).

Regarding claim 11, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of requesting the position information item for the mobile communication terminal from the mobile communication terminal by the service control center (col. 3, lines 43-52).

Regarding claim 12, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of requesting a position information item at regular intervals (col. 7, line 1-col. 8, line 62 and col. 12, lines 44-47).

Regarding claim 13, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of reporting a position information item at regular intervals (col. 12, lines 44-47 and col. 7, line 1-col. 8, line 62).

Regarding claim 14, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of reporting the position after a change of position (col. 12, lines 44-50 and col. 7, line 1-col. 8, line 62).

Regarding claim 15, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of ascertaining location information available in the mobile communication terminal by an SIM tool kit available at the mobile communication terminal (col. 4, lines 29-65).

Regarding claim 16, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of transmitting a position information item by Unstructured Supplementary Service Data (col. 4, lines 35-45 and col. 6, lines 36-59).

Regarding claim 17, Salmela et al. disclose a method as recited in the rejection of claim 9, further comprising the step of transmitting a position information item by Short Message Service (col. 4, lines 35-45 and col. 6, lines 65-67).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Einola et al. (US-6,438,370) disclose location update method.
- b) Dunn (US-5,659,596) discloses a system for location of communication end users.
- c) Frager et al. (US-6,018,652) disclose a method for mobile location and charging region.
- d) Mueller et al. (US-6,185,413) disclose a method for cost-efficient call management.
- e) Janhonen et al. (US-6,345,181) disclose charging criteria for a call in wireless communication network.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q.

AU: 2685

Date: Jul. 23, 2004


EDWARD F. URBAN
PATENT EXAMINER
TECHNOLOGY CENTER 2800